

## NEW SECTION

**WAC 220-40-03100D Willapa Bay spring white sturgeon fishery.**

Notwithstanding the provisions of WAC 220-40-031, effective May 1, 2008, until further notice, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that

**Fishing periods**

(1) Gill net gear may be used to fish for sturgeon:

Time	Area
12:01 a.m. May 1 through 11:59 p.m. May 7, 2008	Area 2G easterly of a line from the most northerly upland at Leadbetter Point (approximately 46 degrees 39' N) to the eastern most upland at Toke Point (approximately 123 degrees 58' W); and areas 2H, 2J and 2M.

The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

**Gear**

(2) Gill net gear restrictions - All areas:

- (a) Drift gill net gear only. It is unlawful to use set net gear.
- (b) May 1 through May 7, 2008 - 9-inch minimum mesh.
- (c) Each boat will be required to have two operable recovery boxes or one box with two chambers. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.  
Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

- (d) All chinook, non-legal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.
- (e) Any Chinook or steelhead that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.
- (f) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

**Other**

- (3) Quick reporting is required for wholesale dealers and fishers retailing their fish (WAC 220-69- 240) by 10 am the day following landing.
- (4) Fishers must allow WDFW staff on-board as observers if required by WDFW staff when participating in these openings.
- (5) Notice of Intent to Participate to Quick Reporting by phone, fax or email, WAC 220-69-240, prior to 10:00 a.m. April 29<sup>th</sup>, 2008 for the May 1-7, 2008 opening and prior to 10:00 a.m. May 7, 2008 if extended from May 8 – 15, 2008.
- (6) Green sturgeon retention is prohibited.
- (7) Report ALL encounters of Chinook, Green Sturgeon and Steelhead (Your name, Date of encounter, and Number of species encountered) to Quick Reporting by phone (866)771-1280, fax (360) 664-0689, or email [harborfishtickets@dfw.wa.gov](mailto:harborfishtickets@dfw.wa.gov).
- (8) Retrieve any information from spaghetti tags near dorsal fin on Green or White Sturgeon. For Green Sturgeon do NOT remove tags. For White Sturgeon retained, please submit tag to Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA, 98563.

**R E P E A L E R**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 8, 2008:

WAC 220-44-03100D Willapa Bay spring white sturgeon fishery.

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**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- ☒ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Harvestable white sturgeon are available within the Willapa Bay management guideline for a commercial fishery. There is insufficient time to promulgate permanent rules. **(08-84, 4/25/2008)**